

DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT

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August 24, 2017

STAFF SUMMARY REPORT

TO: PLANNING COMMISSION

SUBJECT: Lot Split

Leon Capital Group requests the Planning Commission consider a lot split that did not meet staff approval criteria under Sec. 14-578(c)(2)

PLANNING OFFICIAL: Lori Ericson

SUMMARY

- 1. BACKGROUND: Lot split concerns a 1.55-acre tract along W. Walnut St. in Scottsdale, Phase VI
 - The split will create two lots at 0.89 acres and 0.63 acres.
 - The new lots will each be less than the required one-acre in the Rogers Overlay District, Sec. 14-285 (1).
 - A variance for this property to allow a lot less than an acre was turned down by the Board of Adjustment on Nov. 16, 2015. The applicant was advised by staff that any development in addition to the Raising Cane's restaurant on the lot would have to be done as a land lease without a lot split.
 - Raising Cane's restaurant opened on the west side of the lot in August 2016.
 - Construction began in June for a 7 Brew Coffee on the east side of the lot.
- 2. FINDINGS: The purpose of the minimum lot size requirement within the overlay district is to ensure each parcel within the district is and remains capable of being developed given the use and disposition requirements. Although staff recognizes each of the resulting lots is, in fact, now developed and that the intent of the code is now arguably met; we cannot assume the current state will continue forever. The 1-acre requirement ensures the future viability of each parcel. Allowing the lot split to proceed would prevent or at least seriously limit future opportunities for redevelopment. There are very few commercial structures as small as the 7-brew kiosk, and it is staff's opinion that to allow a lot split that would necessarily limit future redevelopment opportunities in this way would be a mistake.
- 3. VIEWS OF OTHERS: None
- 4. SUGGESTED MOTION: "Motion to approve/deny the lot split request by Leon Capital Group per Code Section 14-578."
- 5. RECOMMENDATION: Deny

Note: staff recommendations are based on the documentation available at the time they are made and may not reflect all of the information available to the members.

JOHN C. MCCURDY, Director

Department of Community Development

Tabs:

- Request for appeal
- 2. Lot split survey



August 23, 2017

Lori Ericson, Planner II
Dept. of Community Development
City of Rogers
301 W. Chestnut St., Rogers, AR 72756

RE: Proposed Lot Split - Lot 1 Scottsdale, Phase 6

Ms. Ericson,

We are respectfully requesting an appearance before the Rogers Planning Commission for consideration of the above-referenced proposed Lot Split, a copy of which is attached.

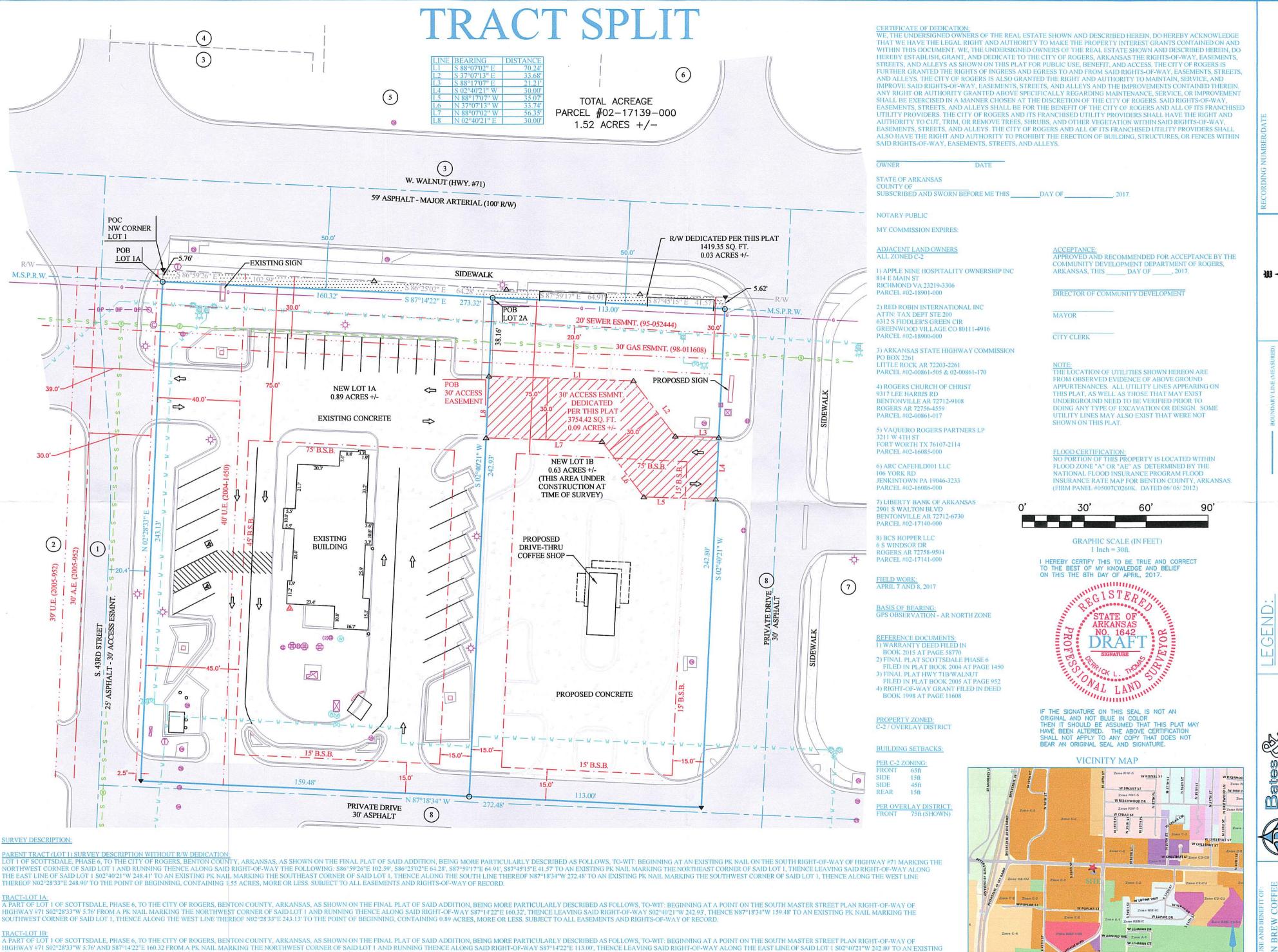
- A. This property had previously been considered and denied in 2015 while it was still a single-tenant property
- B. The single tenancy building has subsequently been demolished
- C. The first of two new structures was completed in 2016,
- D. The second of two new structures has been permitted by the City of Rogers and is currently under construction

We therefore request consideration based on the fact that the previous single-use property has already been approved for multiple structures, and our intent is to simply formalize the separation of the two respective pads.

Thank you in advance for your consideration and assistance in this matter.

Respectfully,

Christopher H. Gutierrez, CCIM Vice President, Retail Development



PK NAIL MARKING THE SOUTHEAST CORNER OF SAID LOT 1, THENCE ALONG THE SOUTH LINE THEREOF N87°18'34"W 113.00', THENCE N02°40'21"E 242,93' TO THE POINT OF BEGINNING, CONTAINING 0.63 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PART OF LOT I OF SCOTTSDALE, PHASE 6, TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON THE FINAL PLAT OF SAID ADDITION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT AN EXISTING PK NAIL ON THE SOUTH RIGHT-OF-WAY OF HIGHWAY #71

MARKING THE NORTHWEST CORNER OF SAID LOT 1 AND RUNNING THENCE \$02°28'33"W 5.76', THENCE \$88°17'07"E 21.21' TO THE TRUE POINT OF BEGINNING OF SAID EASEMENT AND RUNNING THENCE \$88°07'02"E 70.24', THENCE \$37°07'13"E 33.68', THENCE \$88°17'07"E 21.21' TO THE EAST LINE OF SAID LOT 1, THENCE ALONG SAID EAST LINE S02°40'21"W 30.00', THENCE LEAVING THE EAST LINE OF SAID LOT 1 N88°17'07"W 35.07', THENCE N02°40'21"E 30.00', TO THE POINT OF BEGINNING, CONTAINING 0.09 ACRES, MORE OR LESS.

DRAWING #17-061

Zour R.O.